

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Joan H. Lefkow	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 2703	DATE	6/10/2008
CASE TITLE	Ramos vs. Playtex Products, Inc., et al.		

DOCKET ENTRY TEXT

Plaintiff's uncontested motion [36] for reassignment and consolidation of Case No. 08 C 2828, assigned to Judge Nordberg is granted.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

The complaints in the captioned case and in Scalia v. Playtex Products No. 08 C 2828 are virtually identical. Both are against the same defendants. Both are putative class actions filed on behalf of purchases of like containers that are used in providing food to infants, Both allege unfair and deceptive business practices, breach of implied warranty, negligence, and unjust enrichment. The plaintiffs satisfy the requirements of Rule 41(a) that the claims grow out of the same occurrence (the marketing and distribution of the products); the alleged classes involved in the two cases are the same; and the cases involve the same issues of fact or law (indeed, as stated, the allegations are all but identical). The complaints also satisfy the requirement of LR 40.4(b) because both are pending in this court; judicial economy would be served by having both cases heard by a single judge so as to avoid duplication of effort and the possibility of inconsistent outcomes; the lower numbered case has not progressed to the point where designating the later filed case as related would be likely to delay the proceedings; and the cases are susceptible of disposition in a single proceeding because the issues of fact and law appear to be the same. Defendant Medela, Inc's request to reserve its right to assert the existence of individual issues in support of a motion to sever the claims against Medela, and in a motion to decertify and/or in opposition to class certification is granted.

Courtroom Deputy
Initials:

MD